JUDGE GILL ON THE TRIBAL TAX

Files Opinion in South McAlester Merchant Tax Case.

CLAYTON NOT IN ERROR

Courts Have Authority to Restrain Hitchcock When Acting Contrary to Existing Laws-Concurs in General.

Judge Joseph A. Gill has filed with the clerk of the Indian Territory court of appeals his opinion in the noted tribal tax case, and concurs in the main with the conclusion reached by that court in its recent decision as handed down by Judge Townsend, of the Southern district.

Judge Gill has gone into the case fully and rendered an elaborate and exhaustive opinion, reviewing at length the history of Indian Territory court legislation, and also with reference to the treaties bearing upon the subject.

While he reaches substantially the same conclusions reached by Townsends, he does so for other reasons, which are amply and clearly set forth in the opinion. The central idea in Judge Gill's position is that the Choctaw tribe retained jurisdiction over lands segregated for townsites, or, rather, over lots in townsites, in that nation until title had passed from the tribe to the individual. That is to say, the title to a town lot sold by the townsite commission remained in the tribe until the final payment for same had been made and deed issued.

He says there is no doubt in his mind that until final payments are made on town lots the Indians retain the title therein. Mere delay in the issuance of title would not suffice to continue schedule is at an average of \$25 a front the title in it, provided all of the con- foot for business property, and residitions required of the purchaser under the Atoka agreement had been met. None of the plaintiffs to the suit had patents.

Judge Gill declares that the opinion three annual payments. just handed down by the court of appeals was based on misconstruction of issues, and reasons assigned in the opinion are insufficient.

He says there is no law in the Choc- dated October 18. taw nation requiring payment of any sum of money as a condition precedent tended to regulate the peddlers who nature is on each box. 25c. robbed the Indians at an early day. "Common sense would not deline merchants as 'traders,' but the government has treated them as such in superintending the operation of non-citizen merchants."

"When congress, by act of March 1, 1895, provided that Mansfield's Direct of the Arkansas laws in reference to municipal corporations should obtain in Indian Territory, it made its first attack on the Choctaw nation as an Indian country and recognized that white men were here to stay, and legally so."

Under the Atoka agreement the Indian relinquished all right to streets and alleys in South McAlester."

The segregation and sale of town lots is no longer considered as Indian country transactions.

The Secretary of the Interior had authority to proceed only in Indian country. At length the court takes up the various issues as defined by Judge Clayton in his discenting opinion in the Creek nation case, and there is a close similarity of conclusions reached on each point, excepting, of course, the interest of the Choctaw nation in the lots sold until all payments are made. Judge Clayton held cont segregation and sale removed the lands from Indian jurisdiction, while Judge Gill admits that such proceedure removes the property from classification as Indian country, but title is still in the bands of the Indian and as the permit law stands it applies in this case.

The court of appeals, through the Townsend decision, recognizes the permit as a tax, while Judge Gill says there is no law requiring payment of any sum precedent to sale of goods, thereby making the royalty on all goods brought to by merchants nothing but a permit. He holds that this

this perifit stands. He says: "I am of the opinion, if the premises of the opinion of the majority of this court be accepted, that as to the United States citizens legally within the incorporated town of South McAlester and transacting bosiness there, the Choctaw nation having parted with title thereto; that such nation has voluntarily parted with the right to further continue exaction from such

citizens in the way of a permit, tax or license fee, and that the nation no longer having this power, or right, that the Honorable Secretary and his sub-officers in threatening to close the stores of such merchants are not acting under due process of law, and should be restrained and the decision of the lower court restraining such officers should be affirmed."

BIG FIRE AT CHETOPA, KAS,

Columbia's Livery Barn and Several Business Houses Destroyed.

Chetopa, Kas, Oct. 28-The biggest fire this town has ever had started at 5 o'clock this evening in the Columbia livery barn and burned for three hours

The fire is supposed to have been caused by spontaneous combustion in the baled hay stored in the loft.

The losses are: W. P. Columbia, livery, \$9,000; W. H. Smith & Sons, hardware and implements, building and part of contents, \$6,000; R. Summers, harness, \$150; Lucy woods, restaurant, \$100; Alex Walker, \$2,000; Geo. P. Bush, two buildings; \$2,000.

This is the third time Columbia's livery barn has burned, twice in the last year. He had just moved into a new barn. The rigs and horses were saved with difficulty.

The only fire protection Chetopa had, a wooden water tower, caught fire and was destroyed. There were several other small losses.

Cheap Home Visitor's Excurs on.

On October 26, November 8 and 26 the M. K. & T. Railway will sell home visitors' excursion tickets to points in northern Missouri, Iowa, Minnesota, Wisconsin, northern Michigan, North and South Dakota and Nebraska at a rate of one fare plus \$2 for the round trip, good returning thirty days from date of sale. Stop-overs allowed at Kansas City and St. Louis. For further information see Katy's agent. H. A. FARTHING, Ag't.

HIGH APPRAISEMENT.

Townsite Commission Value Tablequah Lots Very Highly.

A Kansas City Journal special contains the following:

The townsite commission at Tablequah has received the schedule of appraisement from Washington. The dence lots range from \$30 to \$75 a lot. The terms of payment for lots are 10 per cent. in 60 days, 15 per cent. in four months and the remainder in

The townsite commission of Tablequah began its appraisement last July and filed its report on August 30 and the approval of the government is

To Cure a Cord in One Day

to exposing goods for sale as a trader. Take Laxative Bromo Quinine Tab-All the laws refer to a "permit," and lets. All druggists refund the money the court thinks this permit was in- if it fails to cure. E. W. Grove's sig-

BALD HEADS COVERED

With Luxuriant Hair and Crusted Scalps Cleansed and Purified by

CUTICURA SOAP

Assisted by Light Dressings of Cuticura, the Great Skin Cure.

This treatment at once stops falling hair, removes crusts, scales and dandruff, destroys hair parasites, soothes irritated, itching surfaces, stimulates the hair follicles, loosens the scalp skin, supplies the roots with energy and nourishment, and makes the hair grow upon a sweet, wholesome, healthy scalp when all else fails.

Millions now rely on Cuticura Soap, nesisted by Cutteura Cintment, the great skin cure, for preserving, purifying and beautifying the skin, for cleansing the scalp of crusts, scales and dandruff, and the stopping of falling hair, for softening, whitening and

hair, for softening, whitening and scothing red, rough and sore hands, for haby rashes, itchings and chafings, for annoying irritations, or too free or offensive perspiration, for ulcerative wesknesses, and many sanative, antiseptic purposes which readily suggest themselves, as well as for all the purposes of the tollet and nursery.

Complete treatment for every humour, consisting of Cuticura Sosp, to cleanse the skin, Cuticura Olutment, to heal the skin, and Cuticura Resolvent Pills, to cool and cleanse the blood, may now be had for one dollar. A single set is often sufficient to cure the most torturing, disfiguring, itching, burning and scaly humours, eczemus, rashts and irritations, from infancy to age, when all else fails.



"After all, there is nothing like

DR. PRICE'S

BAKING POWDER

I have used it with satisfaction for nearly forty years."

LIFE IN ALEUTIAN ISLANDS, STIFF SHIRT IN DISFAVOR Where Bears and Eagles Are Extreme-

ly Large and Grass Is Five Feet High.

The simple announcement that Mrs. Annie Vessey of Kadiak, Alaska, had returned to her home after a visit to Scattle, as reported in the society columns of the newspapers, meant little to the average reader, but the visit itself meant much to Mra. Vessey, for it was the first time she had been outside Alaska, says the Seattle Times. Never before had she ridden on a street car, seen a locomotive, been within a theater or witnessed the complex life of a city. All was new and strange to her. Her 20 years were spent entirely on Kandiak island and the islands of the Alcuttan group. Mrs. Vessey's father, a descendant of the ancient house of Romanoff, the ruling dynasty of Russia, went to Alaska in 1860, and has lived there chtinuously in the Russian settlements of the Aleutians. Mrs. Vessey epeaks Russian as we'll as English and Seattle was as interpreter for the parthe St. Louis exposition recently, makers have lost money." While here the interpreter, with her haby one year old, was the guest of Mr. and Mrs. J. E. Sandley. The baby Mrs. Vessey dresses in suits made of squirrel skins, such as the nativer

Just before leaving Alaska Mrs. Vessey's mother shot a mammoth bear and forwarded the head to the Smithconian Institution at Washington, D. For the specimen the directors of the big actentific museum sent its clayer \$500. In the skutl were found mhedded a number of old-time Rusian hand-made bullets, carried no one nows how long by the Alaska bear after victorious meetings with his natural enemies. In the Aleutian islands the natives have so long been under the Russian influence that the Greek church is thoroughly established, and all its festivals and rites are observed most faithfully. The natives are numerous.

Eagles grow to an enormous size on Kadiak and other islands, and the government pays a bounty on each one killed, for they carry off the sheep and are destructive in many ways.

The long days of the summer season make the grass most abundant, and it grows to a height of five feet, white berries also grow plentifully and entirely without cultivation. On accunt of the numerous wild flowers there are many binds of bugs and insects, rare anceles of butterfiles and bees. In collective these for various witchtiffe brillies, Mrs. Vessey's father ma'er a good income Cattle do well, but must be I diseasely because of the ong and severe winters. Some mining is done. The climate an a whole to totalifeed twons

Cures Winter Cough.

J. E. Cozer, 101 N. Main St., Ottawa, Kan., writes: "Every fall It has been my wife's trouble to catch a severe cold, and therefore to cough all winter long. Last fall I got for her a bottle of Horehound Syrup. She used it and has been able to steep soundly all night long. Whenever the cough troubles her, two or three doses stops the cough, and she is able to be up and well." 25c, 50c, \$1.00, at People's drug store.

Foley's Honey and Tar cures coughs and colds and prevents pneumonis. Take no substitutes. For sale at people's drug store.

Soft-Bosomed Article Gains in Popularity and Manufactories Are Heavy Losers.

All the shirt manufactories of the country are heavy losers on account of the latest whim of American shirt wearers, according to the statement of a Glens Falls (N. Y.) agent, who represents one of the large concerns. He says that in the last year and onehalf the stiff-bosomed shirt has gone into decided disfavor. Large numbers of men who have never worn anything but stiff-bosomed shirts now insist on having soft shirts for both winter and summer.

"It is utterly unaccountable," said the agent. "The stiff shirt is a businesalike garment. It wears well and looks well. But the men of the country will not have them any more. The result is that shirtmakers have their business patuced to practically one season. It used to be that stiff shirts were sold for winter and soft shirts for summer, but it is an no longer. Of neveral Indian tongues, and her trip to course there will always be a sale of stiff shirts, but it has become so lim- African country lying to th y of Aleutian islanders that went to ited with such auddenness that the

MANY DESERTIONS IN NAVY

Number Who Take French Ltave of Service.

Desertions in the navy are increasing to such an extent as to give the naval authorities the gravest concern. The condition is not admitted in the bureau of navigation, but the reports received there from the ships on home and foreign stations contain statistics of desertions that are of alarming proportions. No one is able to understand why there should be such illegal withdrawals of the men from the service It is all the more surprising when it is considered that the payment and privlleges of the enlisted men have been made as attractive as possible say the authorities, and all for the purpose of creating contentment among the bluejackets. One reason given is that the punishment of the culprits who are apamounts to an easier existence than that of those who do their duty. The situation is so menaring that the authorities are devising some means of keeping the enlisted force up to its required strongth.

SOME HARMLESS OATHS.

"Tinker's Dam" and "Twopenny Dam" May Be Used in Select Circles Without a Qualm.

In the United States it is common to cousins, in similar circumstances, say prefers flight to combat. "a twopenny dam." Each of these apparent oaths is harmless, and may be used in polite society without a qualm. Rear Admiral Casey, noticing a look of said "tinker's dam," observed: "I phrase "twopenny dam" was first used attacked, and he astonished the house of lords by replying:

"I don't care, and the British army don't care a twopenny dam for any of these criticisms." Then he explained that "a dam was an Indian coin of the value of twopence."

OLIVER RADET, Pres. J. O. Hall, V-Pres. W. P. PHILLIPS, Cashle

First Mational Bank

VINITA, IND. TER.

UAPITAL \$100,000 Oldest and Strongest National Banh in Cherokee Nation

DIRECTORS

B. F. Parines R. H. France A. L. Churchitt W. H. Estuaran A. Graham J. O. Hall G. W. Clark W. E. Halcell DOES A SAFE GENERAL BANKING BUSINESS

...LIGHT UP.

The very Latest in Electric Lighting, Meridian Lamps, White Light, High Candle Power, Low Current Consumption.

....See it in Cherokee National Bank Window ***********************

HUNT MEXICAN TREASURE

Search Being Carried On in Texas for Vast Wealth Buried During War.

A number of Mexicans with teams plows and scrapers are excavating in that vicinity, claiming to have in their possession maps and charts showing treasure to be buried there to the amount of \$199,000 in Mexican doubloons. The treasure is buried near what is known as the Bull Tank, and the party has agreed to pay the owners of the land on which they are at work a certain per cent of the find for the privflege of excavating. This treasure is said to have been buried during the Texas and Mexican war. It is said a tradition has existed that a large sum in Mexican doubloons was buried somewhere on the banks of Pond creek, and another that there was treasure of considerable amount in Mexican money buried at some point along the banks of the Brazos river near Marlin. Many evenvations have been made to locate the buried treasure, both on Pond creek and the Brazos river. There efforts were not only made by home people. but strangers have gone in and excavated, among whom were Mexicans. A few years 100 it was no uncommon thing to see deep holes dug along the banks of these streams, presumably by parties in rearch of the lost treasure but if any money has ever been found in this manner the fact is not known.

SAVACES DESPISE LABOR.

Hardest Task of African Missionary Is to Persuade Dusky Natives to Work.

The hardest task of the missionary mong tropical savages is to teach them the dignity of labor. Where every bodily want is supplied freely by nature, the range anciently I nown as the Mountains of the Moon. The king's birthday was celebrated by an exhibition of native work. There were 200 entries, a smaller Mavigation Authorities Astonished at number than the previous year, but the standard was much higher and the vaself a prize-winner, presented the prices. and the king showed much interest. Yet ten years ago, when the first native Baganda missionaries went to this people. they were sunk in the lowest depths of savagery In some respects, this exhibition in the heart of the dark continent was more interesting and remarkable that it sells: than that in St. Louis.

FEW SNAKES IN NEW YORK

Copperhead and Raitler Are the Only Poisonous Species About the Great Metropolis.

Over the country extending for many hundreds of miles both north and south of New York, the same embracing the Adirondacks, the Catakill and Blue prehended is altogether inadequate and Ridge mountains, there are but two apprehended is altogether inadequate and cles of polaonous anakes-the rattlesnake and the copperhead, declares the New York World. The former may be at once distinguished by the rattle, while the latter is a reptile of beautiful hues, showing rich, reddish-brown bands on a hazel body-color. The bands are very narrow on the back and very wide on curethe sides, presenting the outlines of numerous dumbbell-shaped markings. Despite the presence of these poisonous anakes in the castern states accidents are of great rarity. The rattlesnake is Newly Married Bank Official Chargan honest brute and umally gives am, to say that you "don't give a tinker's dam" | warning of its presence. The copperfor something or other. Our English head is a secretive species and generally

Humonity's Week Spot.

surprise on the face of a friend when he They are humanity's weak spot-the Friday night by Deputy Marshal John. guess you think I'm swearing, but I'm the slightest symtom of trouble is felt his return from Carlsbad. N. M. by all tinkers to their work." The in the lungs you should begin the use where he was recently married. of Dr. Boschee's German Syrup at by the great duke of Wellington. His once. It is made especially to soothe, administration of the British army was beal and strengthen the lungs, throat that he would be in Wagoner Thursis a never failing remedy for consumption. Trial bottle, 25c. Big bottles, 75c. At all druggists.

Home made lye hominy every day at

REAL ESTATE TRANSACTIONS

Recorded in the Office of the Clerk of the Second Recording District at Vinita, Indian Territory.

WARRANTY DEEDS. Lula Lewis to J M Bayless, na nwswi sec 17, tp 26, r 22 e; \$266.

Rachael Winters to same, nw-set & sw-ne-set sec 28, tp 25, r 22; @235. George Vann, et ux, to Rule & l'ainter, wi sw-nei sec 5, tp 25, r 22, nw 10.31 acres lot 2, sec 5, tp 25, r 22c,

and 10.31 sw-nw-net sec 5, tp 25, r 22 east; \$450. Lee and Amelia Ran to John Jarboo. wi nw-nwi sec 8, to 28, r 18 c, ne-swi & nw-sel & wi se-sel & el sw-sel &

sw-ne-sel sec 7, tp 28, r 18 e; \$3,120. Hannah Starr to same, sw-swi & ni nw-sw-nwi & se-nw-swi sec 5, tp 28, r

18 e, also set sec 6, tp 28, r 18; \$600. Malinda Bean to J M Bayless, et nw-

swi sec 17, tp 26, r 22; 8400. Minnie Bean to same, wi se-sw-nese-swi & si ne-swi, all in sec 3, to 27, r 18 e; \$400.

Daniel and Malinda Sanders to W R McGeorgo, nw sej & ne-sw-sej sec 1%. tp 27, r 18 e. \$450.

Jesse and Mary Ellen Rowe to Jaz. A Leforce and William Badgett, sesw-swi & wi sw-swi sec 36, tp 24, r 23, also se-se-set sec 35, tp 24, r 25; 850.

Saved His Life.

J. W. Davenport, Wingo, Ky., writes, June 14, 1902: "I want to tell you I believe Ballard's Snow Liniment saved my life. I was under the treatment of two doctors, and they told me one of my lungs was entirely gone, and the other badly affected. I was induced by a friend to try Balchief motive to work, the earning of lard's Snow Liniment. The first apone's daily bread, is absent. But the less plication gave me great relief; two son is being learned. This was shown fifty cent bottles cured me sound and some months ago in Toro-a central and well. It is a wonderful medicine Uganda at the foot of the snow-clad and I recommend it to suffering humanity." 25c, 50c, 31.00. People's drug store.

COSTS NOTHING IF IT FAILS

riety greater. The queen, who was her. Peopje's Drug Store Gives Guarantee Bond With Mi-o-na, Nature's Remedy for Dyspepsia.

> Read the following plan and posttile guarantee that the People's drug store gives with every box of Mi-o-ma

GUARANTEE BOND

We harely agrees to refend the money paid for Mi-o-as on return of a pty nax, if the purchases tells us to his nationach troubles. This guarantee construction of a month's treatment. Price, for per box.

(signed), People's Drug Store.

Mi-o-na is the only remedy for dyspepsia that is sold on a plain and absolute guarantee that it will cost nothing unless it cures. Begin its use today with the knowledge that People's drug store will refund your money if it fails.

This is the strongest endorsement that they can give to Mi-p-pa, -that they will return the money if it does

BAIRD MAY BE SHORT.

od With Embesslement.

Richard F. Baird, former assistant ashier and bookkeeper of the bank of Wagoner, is in jail at Muskogee under a There are more deaths directly due charge of embezzing money from the to weak lungs than all other diseases. bank. He was arrested at Wagoner breeding-place of consumption. When O'Brian, as he stepped from a train on

Baird wired M. E. Austin, vice president of the bank of Wagoner, and broughful tubes. German Syrup day night and that he wanted an audience with him. He arrived, but was met by an officer with a warrant is sued at the instance of the tank.

Superior Stoves and Banges at Fra-